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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,792	06/16/2005	Jens Ehlers	AFK-16447-WO-US	4523
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EXAMINER				
COKER, ROBERT A				
ART UNIT		PAPER NUMBER		
3616				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/536,792

Applicant(s)

EHLERS ET AL.

Examiner

Robert A. Coker

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-23, 25 and 28-37 is/are rejected.
- 7) ☒ Claim(s) 24, 26, 27 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date 05/26/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 28-30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 28, line 2, "U-plates" is indefinite.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 20, 21, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakakida et al. (U. S. 5,211,694).

With respect to claims 20, 23 Sakakida et al. disclose a fixing device for a seat belt retractor (5) for attachment to a vehicle part, comprising: a seat belt retractor housing (34) having a housing plate(72), wherein the housing plate has at least one fixing opening (76) for receiving a screw connection engaging the vehicle part in a fixing opening (78) formed thereon, wherein the seat belt retractor housing is rotatably

disposed relative to the fixing opening of the vehicle part, so that the seat belt retractor is oriented automatically in a direction of a force of a belt which moves at an angle with respect to an axis of a shaft of the seat belt retractor (Figure 10B); and a holder part (74), wherein the seat belt retractor housing is rotatably held on the holder part wherein the holder part is fixedly connected with the vehicle part wherein the seat belt retractor housing is held by means of the holder part at a distance to the fixing opening wherein the seat belt retractor housing is fixed to the holder part in such a way that the seat belt retractor housing is rotatable relative to the holder part in a direction opposite to a pre-set resistance (Figure 10B).

With respect to claim 21, Sakakida et al. disclose the fixing device, wherein the holder part (74) is formed as a flat part with an opening (78) for guiding through of an attachment means, wherein the attachment means serves to attach the holder part to the vehicle part (19), and wherein the holder part has a further opening (76) for rotatable attachment of the seat belt retractor housing to the holder part.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakakida et al. (U. S. 5,211,694) in view of Nishide (U. S. 6,581,969).

With respect to claim 22, Sakakida et al. is silent about what type of connecting pin is used for attachment of the retractor frame (34) to the tongue-like coupling member (74). However, Nishide discloses a rivet (68) for attachment. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to the invention of Sakakida et al. such that it comprised a rivet in view of the teachings of Nishide so as to facilitate swivel movement.

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakakida et al. (U. S. 5,211,694) in view of Hosoda et al., (U. S. 5,951,046).

With respect to claim 25, Sakakida et al. disclose the claimed invention. Sakakida et al. does not disclose a fixing shoulder. However, Hosoda et al., disclose a locking portion (11) (Figure 6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Sakkara et al. such that it comprised a fixing shoulder in view of the teachings of Hosoda et al., so as to facilitate attachment to a vehicle body.

8. Claims 36 and 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakkara et al., (U. S. 5,211,694) in view of Matsuo (U. S. 5,823,628).

With respect to claim 36, Sakakida et al. disclose the claimed invention. Sakakida et al. does not disclose a weld nut. However, Matsuo discloses a weld nut (36). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Sakakida et al. such that it comprised a weld nut in view of the teachings of Matsuo, so as to better secure components.

With respect to claim 37, the combination discloses the claimed invention, except for the holder part comprises plastic. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have the holder part comprised plastic, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Allowable Subject Matter

9. Claims 24, 26, 27 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. Claims 28-35 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Coker whose telephone number is (571)272-8514. The examiner can normally be reached on Monday thru Friday, 8.30 a.m.-5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert A Coker
Examiner
Art Unit 3616

/Ruth Ilan/

Primary Examiner, Art Unit 3616